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AUG -4 2003

Paper No. 7

In re Application of :
Geoffrey Manning : DECISION ON PETITION
Application No. 09/929,447 :
Filed: August 14, 2001 :
Attorney Docket No. 534334-013 :

This is a decision on the petition filed on July 21, 2003 by which petitioner requests withdrawal of the holding that this application stands abandoned for failure to timely file a proper reply to the Office letter dated October 2, 2002. The petition is being considered under 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a proper reply to the Office letter in question was in fact timely filed. Petitioner supports this allegation by furnishing a copy of the reply, and a copy of the filing receipt for the reply which shows that the reply was received in the Office on December 31, 2002. As the Office letter in question set a three month period for filing a reply thereto, it is clear that the reply was timely filed, and that this application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on December 31, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

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